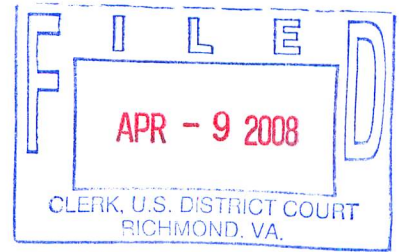


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



WILBERT EUGENE PROFFITT,

Plaintiff,

v.

Civil Action No. **3:08CV23**

RICHARD CIPOLLA, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a federal parolee, submitted this *Bivens*¹ action to the United States District Court for the District of Maryland. On January 9, 2008, the Maryland District Court transferred the action to this Court sitting in the Eastern District of Virginia. By Memorandum Order entered on February 29, 2008, this Court filed the action and directed Plaintiff, within fifteen (15) days of the date of entry thereof, to complete and return an affidavit in support of his request to proceed *in forma pauperis*. Additionally, because the Court's records reflected that Plaintiff was a fugitive at the time he filed the action, the Court directed Petitioner to show cause, within fifteen (15) days from the date of entry thereof, why the present action should not be dismissed pursuant to the fugitive disentitlement doctrine. *See Jaffe v. Accredited Sur. & Cas. Co.*, 294 F.3d 584, 596 n. 9 (4th Cir. 2002). The Court warned Plaintiff that the failure to timely and fully respond to the February 29, 2008 Memorandum Order, would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

¹*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

More than fifteen (15) days have elapsed since the entry of February 29, 2008 Memorandum Order and Plaintiff has not responded. Plaintiff's disregard of the Court's directives warrants dismissal of the action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 4-9-08
Richmond, Virginia

<p style="text-align: center;"><u>/s/</u> James R. Spencer Chief United States District Judge</p>
